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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,657

10/19/2006

Bernard Kraeutler

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23413 7590 05/15/2008
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EXAMINER

RAMSEY, JEREMY C

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

05/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,657	Applicant(s) KRAEUTLER, BERNARD	
	Examiner JEREMY C. RAMSEY	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20 APR 06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flexible bar comprising a spring in a foam sleeve claimed in claim 8, and the cable engaged in the sheath as claimed in claim 20, and the multilayer complex of claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 12 states that the screens are a multilayer complex. There is no indication in the specification as to what a multilayer complex is.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 11, 15, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard FR 276944 in view of Applicant Admitted Prior Art.

3. In re claim 1, with reference to Figure 13, Bernard '944 discloses a door comprising:

- A transverse box (3).
- A curtain (7) movable between a closed and open position consisting of two parallel screens (71)(72), at least one lifting strap (5') connecting the bottom part of the curtain to a shaft (4).

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- At least one transverse stiffening means (11)(11')(12) fitted to each of the screens (71)(72).

Bernard '944 fails to disclose:

- Two jambs.

4. Applicant Admitted Prior Art discloses:

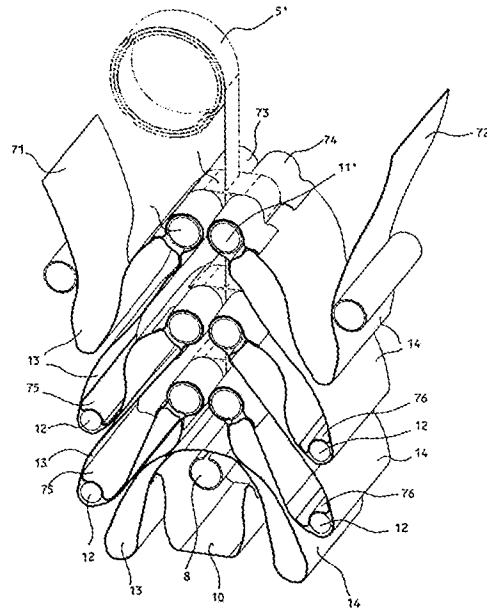
- A door comprising a transverse box joining two jambs. (page 2, lines 32-37)

5. Therefore it would have been obvious to one having ordinary skill in the art, to include a pair of jambs joining the transverse box as taught by Applicant Admitted Prior Art, since this is an old and well known feature in the art.

6. In re claims 2-6, 11, 15,16 and 20, with reference to Figures 14 and 15, Bernard '944 discloses:

- A sheath (73)(74)(75)(76) formed in each screen (71)(72) in which a stiffening means (11)(11')(12) is engaged.
- The sheaths are opposite each other.
- At least one pair of stiffening bars (11)(11') engaged in two mutually opposite sheaths (73)(74) are connected by at least one spacer (15) having an opening for the lifting strap (5') to pass through.
- At least two pairs of stiffening bars (11)(11') with spacers (15) alternate with at least one pair of stiffening bars (12) without spacers.
- The curtain (7) is made from a single component of flexible material folded on itself to form two screens (71)(72).

- A cable (5') is engaged in at least one sheath (73)(74) whose ends are guided relative to the jambs.
- As best understood, Bernard is a multilayer complex – there are multiple



layers shown of complex design.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard FR 276944 and Applicant Admitted Prior Art as applied to claims 1-6 and further in view of Kraeutler 5,207,256.

8. In re claim 7, the door of Bernard/Admitted Prior Art has been discussed above but fails to disclose:

- Wherein the bottom part of the curtain contains a flexible component consisting of a flexible sleeve enclosing a flexible material.

9. With reference to Figure 4, Kraeutler '256 discloses:

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- Wherein the bottom part of the curtain contains a flexible component consisting of a flexible sleeve (unnumbered) enclosing a flexible material (50).

10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a flexible sleeve enclosing a flexible material as taught by Kraeutler '256 in order to provide stiffness to the curtain but prevent injury or damage to people if they curtain is lowered too quickly and falls on them. (column 1, lines 28-37)

11. In re claim 8, the door of Bernard/Admitted Prior Art/Kraeutler has been discussed above and discloses:

- Wherein the flexible component comprises a spring in a sleeve.

Bernard/Admitted Prior Art/Kraeutler fails to disclose:

- Wherein the flexible component comprises a spring in a foam sleeve.

12. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the flexible sleeve could have been made of foam since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. The use of foam would add sufficient weight and some stiffness to the curtain, while maintain the softness and flexibility require for safety purposes.

13. Claims 9, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard FR 276944 and Applicant Admitted Prior Art as applied to claim 4 and further in view of Kraeutler 6,672,360.

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14. In re claims 9 and 17, the door of Bernard/Admitted Prior Art has been discussed above but fails to disclose:

- The ends of the stiffening bars are fitted with guide components and guide endpieces which have a flat part oriented in the plane.
- The spacer carries a roller engageable between two tracks formed in the vertical jambs.
- Filler endpieces are engaged on the end of each of the bars

15. With reference to Figure 12, Kraeutler '360 discloses:

- The ends of the stiffening bars (30) are fitted with guide components and guide endpieces (46) which have a flat part oriented in the plane of the screen.
- A roller (58) engageable between two tracks (4).
- Filler endpieces (54) engaged on the end of the bar (30).

16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include guide components and guide endpieces with a roller between the tracks as taught by Burrows '141 in order to guide bar and edge of the curtain accurately (column 5, lines 52-63)

17. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard FR 276944 and Applicant Admitted Prior Art as applied to claims 1-6 and further in view of Kraeutler 5,141,043.

18. In re claim 10, the door of Bernard/Admitted Prior Art has been discussed above but fails to disclose:

- Wherein the stiffening bars have the flexibility to absorb impact and come away from the tracks without suffering deformation.

19. Kraeutler '043 discloses:

- Wherein the stiffening bars have the flexibility to absorb impact and come away from the tracks without suffering deformation. (column 1, lines 62-68 and column 2, lines 1-6)

20. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the stiffening bars to have the flexibility to absorb impact and come away from the tracks as taught by Kraeutler '043 prevent the possibility of impeding subsequent operation of the curtain. (column 2, lines 4-6)

21. In re claim 11, Bernard '944 discloses:

- Wherein when the curtain is in the raised positions the flexible bar projects beyond the folds formed by each folded screen.
-

22. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard FR 276944 and Applicant Admitted Prior Art as applied to claim 1 and further in view of Coenraets 6,119,758.

23. In re claim 13, the door of Bernard/Admitted Prior Art has been discussed above but fails to disclose:

- At least one transverse panel made of transparent material at the same height in each screen.

24. With reference to Figure 1, Coenraets '758 discloses:

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- At least one transverse panel (38) made of transparent material.

25. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include at least one transverse panel made of transparent material at the same height in each screen as taught by Coenraets '758 in order to serve as windows. (column 4, lines 27-31)

26. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard FR 276944 and Applicant Admitted Prior Art as applied to claim 1 and further in view of Yana JP 2002142967.

27. In re claim 14, the door of Bernard/Admitted Prior Art has been discussed above, but fails to disclose:

- Each screen is provided with at least one shape-memory folding means capable of forming an outward fold in the curtain.

28. Yana '967 discloses:

- At least one shape-memory folding means capable of forming an outward fold in the curtain.

29. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a shape-memory folding means as taught by Yana '967 in order to allow the curtain to be easily folded when necessary. (Derwent Abstract)

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newman 3,750,740, Bonacci et al 4,712,598, and Varley et al 2005/0211391.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY C. RAMSEY whose telephone number is (571)270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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